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THE  
PRESENT ASPECT AND THE TRUE SETTLEMENT  
OF THE  
BURIAL QUESTION,

A LETTER  
TO THE  
RIGHT HON. THE EARL BEAUCHAMP

LORD STEWARD OF HER MAJESTY'S HOUSEHOLD.

BY  
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THE PRESENT ASPECT  
AND  
THE TRUE SETTLEMENT  
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THE BURIAL QUESTION.

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MY DEAR LORD BEAUCHAMP,

This Letter, which, by your kind permission, is addressed to your Lordship, has taken rise out of a paper which was read to the Clergy of the North and South Kinton Deaneries at two separate meetings. On both occasions, the Clergy present passed unanimously a resolution requesting me to publish the substance of my remarks. And I deem myself peculiarly happy in securing, besides, the consideration of a Nobleman who, from the time of his undergraduate life at Oxford, as I well remember, up to the completion of the noble College of which the Hall and Library have just been opened, has, notwithstanding the avocations of high political duties, ever been an attached and earnest member of the Church, and has laboured assiduously and energetically in her behalf.

I fear that my Letter may seem to your Lordship to take a wider range than might have been desirable in the discussion of a well-worn subject. On two points especially I request attention.

Too few people, as I believe, in the investigation of this subject, observe that the Church and Churchyard are both

practically and legally one. I shall endeavour to prove this position in detail, and also to suggest a solution of the general difficulty which rests upon the true relations between the Church and the State, which would violate no interests, which would give liberty of action to all the bodies concerned, and which is grounded upon the course taken in recent legislation upon an analogous question.

Whatever else is contained in this Letter will, I trust, be found to be only such as is subsidiary to these two important features. I shall be far from attempting, either by implication or allusion, to say all that might easily be advanced.

It should be further premised that I start as one who, without doubt or hesitation, signed the celebrated Memorial last year as one of the 15,000 Clergymen.

Now those persons, I am aware, who seek to maintain the existing law relating to Churchyards, are often treated as irreconcilables who raise a cry of 'No surrender.' They are taunted as if they were men of narrow and illiberal minds, who care little or nothing for their fellow-countrymen that differ in opinion from them, and who are ready to fight out a hopeless contest to the bitter end, and even in their congenial pugnacity to imperil great interests, because they have not the wisdom or the generosity to part with a small portion of treasure in order to save a sinking ship.

This taunt would be harmless, if it issued only from the lips of avowed opponents. It would be part of the ammunition of war, and would be as likely to miss aim as to take effect. When, for example, such persons are branded by Mr. Frederic Harrison as 'fire-eaters who consider it an outrage that their Nonconformist fellow-citizens should have religious burial after their consciences,' the extravagance of the language leads people to refer it either to a love of clever phrase-making, or to an impetuous attack in the rôle of a literary Circassian or Bashi-Bazouk.

But the case is greatly altered when this is brought as a serious charge by the two Leaders of the army, and when they are followed, as is natural, by a large body of officers, as well as by a considerable proportion of the rank and file. And

we may then ask ourselves, and are indeed forced to ask ourselves, whether it be well founded—whether, in resisting the intrusion of unauthorised services and unauthorised ministers into the grounds of the Church, we are, after all, really selfish, illiberal, unsympathising obstructives,—whether real width of mind and duty do indeed require us to make some compromise,—whether the true policy be not to strengthen the position of the Church, by wiping away a grievance out of the pleadings of our opponents.

The objection which I have to combat is plainly of a most formidable character. Obstinate obstructiveness, irreconcilable prejudice, carelessness about the feelings and opinions of other people, if they be well-grounded charges, would certainly in these days be fatal to the general influence and usefulness of the Clergy. If we are really open to these imputations, we had better strike our flag and make the best terms we can. We had better take the advice so freely given, and at least secure the reputation of calm wisdom, and of generous and self-denying liberality.

The question before us therefore is, whether we are in a position to make a compromise with our opponents. Ought we, in the interests of peace and concord, to make an advance to them, if they will make an advance to us? Is it possible, in this case, to avoid contests, disagreement, and the ill-will thus engendered, by mutual concession?

In answering these questions, it is not my purpose to notice the inconsistency of Dissenters in getting relief from Church-rates whilst they seek for more power over the Churchyard; nor to point out the impossibility of the State allowing, upon any grounds of equity, the orthodox Dissenter to use any words he likes over the grave, without letting the Atheist outrage holy feelings by proclaiming his unbelief, or consistently with preserving a form of words binding upon the Clergy; nor to show the popularity of the Church's Burial Service by quoting the statistics of cemeteries. Nor again shall I discuss the last, and perhaps the flimsiest, of poor expedients, under which it is sought to commit to the 18,000 Parish Priests of the English Church the invidious duty of a

spiritual policemanhip, as if it were possible for so large a body of men to agree in any one line of policy, when each might do exactly as he liked, and as if they had not already enough disagreeable and invidious duties to perform.

My course is now perhaps sufficiently narrowed, and we may come to the consideration of the nature of the compromise which finds so many supporters.

We have had, may I remind your Lordship, many instances of compromise in public matters. We compromised the question of the Alabama Claims, and paid six millions in order to set a dangerous question for ever at rest. Again, the difference about the British and American territory in North America was settled by drawing a line in 1842, to which both nations assented; and either party received less than it had at first claimed, upon a peaceable principle of compromise.

But in these and such like cases, it will be found that it is essential to compromises about property, that such a division should be made as would put an end to double or joint possession. Why were copyholds so unsatisfactory, and why was the authorised arrangement so greatly preferable, which closed for ever such joint-holdings by making them the entire property of one or the other party? A freedom of management is produced by placing the sole disposal in the hands of a single person or corporation. Delicate questions, of a petty nature indeed, but perhaps none the less troublesome and embarrassing, are thus excluded. Accordingly such a result has been considered to be worth an outlay larger than was felt to be demanded, as in the case of the Alabama Claims, or a concession of territory more than proportional, as in the Ashburton negotiation, when seven-twelfths, with even a better case, was conceded to the United States. But the only justification of such transactions is, that joint possession should cease, and that the property should be made permanently over to one party or the other, either by the payment of a sum of money, or by a division of the disputed land.

But is there any probability of a permanent settlement

being made by allowing Nonconformists to bury their dead with their own services in our Churchyards? It will be found, that there is not the remotest chance of the claims that are advanced being satisfied by any such a compromise. The Liberation Society have put out their scheme, so that we may learn what they want by referring to their own words :—

#### VI.—THE DISPOSAL OF BUILDINGS.

13. Both ancient and modern buildings, as well as all endowments now appropriated to the use of the National Church, must be regarded as national property at the disposal of the State. It would not, however, be consonant with public feeling to act strictly on this principle, however logically defensible. It may, therefore, be assumed that, in the disposal of the property now devoted to ecclesiastical uses, regard will be had to the voluntary origin of many recent Churches and endowments.

14. With such exceptions as may be determined on, the Cathedrals, Abbeys, and other monumental buildings, should be under national control, and be maintained for such uses as Parliament may from time to time determine. Provision should be made for the retention for public use, or else for the disposal, of the Bishops' Palaces, and also of the buildings in the nature of appendages to the Cathedrals. The educational endowments, and other charities, connected with the Cathedrals should be separately dealt with, for the national benefit.

15. In all cases, parochial burial-grounds attached to Churches should be transferred to some parochial body; for the continued use of the parishioners, who should have equal rights therein.

16. Proprietary Churches should remain in the hands, or be at the disposal of, the present proprietors.

17. All Churches existing at the date of the passing of the first of the Church Building Acts (1818) should be deemed to be ancient Parish Churches.

18. Ancient Churches (as defined in Sec. 17) should be vested in a parochial board, to be elected by the ratepayers, which board should have power to deal with them for the general benefit of the parishioners, in such ways as it may determine. The power of sale, at a fair valuation, and under proper regulations, should also be given.

19. Churches erected after the date already named, which have been built at the sole expense of any person who may be living at the date of disestablishment, should, on his application, be vested in him, or in such persons as he may appoint.

20. Churches (other than parochial Churches which have been re-built) erected after the date named, by means of voluntary subscriptions exclusively—and also Churches not claimed under the above-named provision—should become the property of the existing congregations, and be held in trust for their use. If, within a given time, such Churches be not accepted on behalf of the congregations, they should vest in parochial boards, and be dealt with as ancient Churches.

21. Churches built after the date named, which have been erected partly by subscriptions, and partly from parliamentary grants and other public sources, should in like manner be offered to the congregations; but the amount so derived from public sources should be a charge upon the building, to be paid, or redeemed, in accordance with regulations made by Commissioners under the Disestablishment Act.

This plan is, at all events, clearly expressed. Ancient Churches and Churchyards are demanded, as being no longer justly Church property. Will these Liberationists be content with Lord Harrowby's proposal,—or even with Mr. Osborne Morgan's,—as a permanent settlement of the question about the Church and Churchyard? Can it be imagined for an instant, that those who demand that ancient Churches should be removed out of the control of the Church, and transferred to parochial boards for the use of all alike, would be satisfied by the conveyance of a right to them of burying their dead with their own rites in the Church's Churchyard?

But it is said that there are 'two classes of Nonconformists with which the Church has now to count—the one, friendly or neutral; the other, hostile, determined, and powerful.' With respect to the former of these two classes, we hear that 'it is well known that the greater number of Wesleyans are, on Church questions, either friendly or neutral, and the same may be said of the Presbyterians, and of very many also in the Primitive Methodist and New Connection Churches.' We are further told that 'it would be well to note at the same time, that a very considerable number of the lower order of rate-paying working men would be found to support Liberation principles at an election, through their strong dislike of privileged classes. With these facts before them, it should be the aim of the Clergy, by friendly and

conciliatory action, to secure the interest of the well-disposed Nonconformist, and as far as may be, to silence the arguments of the Liberationists; and thus spoil them of the weapon they now use so effectually to the hurt of the Church.’<sup>1</sup>

The purport of this ‘friendly’ advice is, that Churchmen should lessen the number of their foes by attracting to their own side a large portion of them, through the adoption of some equivalent to Lord Harrowby’s well-known amendment. Is this advice—plainly the wisest in many circumstances—admissible in the present case?

Even allowing that there is really more than a platform grievance,—which as generally felt I very much doubt,—and admitting that friendly Nonconformists would thenceforward ever after withhold their support from further Liberationist attacks,—I yet venture to urge positively that the nature of the present case absolutely forbids any such compromise. It will be found, I believe, that the Church and Churchyard are indissolubly bound together, and that any expedient for admitting Nonconformists to any amount of joint-tenure of one affects the other, and impairs *pro tanto* the title of the Church of England to the possession of both of them.

1. This position, my Lord, may be made good, in the first place, from a consideration of various minor particulars in which the use of the Churchyard will be found to interlap the employment of the Church itself.

Suppose that Mr. Osborne Morgan’s or Lord Harrowby’s proposal were adopted, the question would immediately arise whether the Church bell was to be rung or not. If the solemn and familiar sound is not heard through the town or village and over the surrounding champaign, one of the most imposing features in the burial of the dead would be conspicuously absent, with detriment to the dignity of the funeral. But if the bell be tolled, then the Nonconformist is *so far* virtually within the Church.

Again, are the Parish Registers to be used? And if so,

<sup>1</sup> Letter in the *Guardian* of April 10, 1878, from ‘A Friendly Nonconformist.’

what entry is to be made by the Parish Priest who is the lawful custodian, or by whom? What duty is the clerk, or sexton, or other officer of the Church to execute in the funeral?

And then about gravestones, or other monuments. What a temptation there is, amidst funerals of a various character, to introduce flaunting inscriptions, which would strike a note harshly discordant to the principles of the Church, and disturb the peaceful calm that should reign around the remains of the dead lying in repose till the great Resurrection.

Also we must be prepared for days when perhaps a deluge of rain, or a pelting hail-storm, or a driving fall of snow, might seriously impede the delivery of a long oration, or the offering of lengthened prayers, or the singing of a series of hymns. We can easily fancy a paragraph going the round of the newspapers some ten years or so after the change was inaugurated, and depicting in terms of scathing indignation the unfeeling want of charity which led people to refuse the shelter of the Lord's House to those who were battling with the elements in an endeavour to honour Him as they held to be best. And for myself, I confess that I should deprecate hardly anything more than to be forced to be the instrument of exclusion in such a trying case to people whom I believed to be well-meaning, however I might differ personally from their opinions.

Doubtless, some of these particulars are of small importance, and a decision one way or the other on some of them might be accomplished so as to secure some sort of settlement. But surely, taken together, and taken as specimens, they show practically the connection that subsists between the Church and Churchyard. And they show besides that any attempt to sever that connection, or to treat it as it if were not really a factor in the calculation, must contain seeds of future disturbance.

2. The fact is, that from the natural state of things these two must be taken as constituting one entity. The Churchyard is a plot of ground: the Church is a building reared upon that plot of ground.

Who in England ever heard of a house and garden being held upon a different form of tenure? Or who that happened, by some strange freak of fortune, to be the owner, if he could be so called, of such a hybrid piece of property, would not do all he could to expel the alien right from his lawn or his yard? What would my Lord Harrowby, or his Grace the Archbishop of Canterbury, or his Grace the Archbishop of York, think, if the good people of Croydon, or York, or Lichfield, had the right of playing where they pleased at croquet, or lawn-tennis, or bowls, upon the lawns under the windows of their mansions; or of planting what they liked in the garden, and of setting up monuments of their varied tastes over the grounds, with inscriptions dictated by their own choice? Of one thing, at least, I am quite sure,—that if Lord Harrowby were thinking of conceding such a right in his generous consideration for the enjoyment of his neighbours, and proposed to grant it by deed for ever, his professional adviser would warn his Lordship that his project was full of future peril to the property which he has inherited from his ancestors.

In fact, when a man wishes to build a house, he buys the plot of ground, and erects the house upon it. The tenure of the one regulates the tenure of the other. No arrangement of stones, no beams or decorations, no walls, or doors, or locks, can make a house a man's own, if the ground on which it stands does not wholly belong to him. And who lets the lawn, or the yard, or the walks or drive, which are close under his dwelling? When was a house and garden—the garden that is, close round the house—put up for auction in two lots? When were the children of a Nonconformist school allowed as of right to play *by themselves*—for that is the question—in the playground of a Church school? When did Nonconformists ever make a demand which is evidently so preposterous?

The two hold together as one, house and garden,—building, and the plot of ground immediately about it,—for there is no question about such as can be easily detached. ‘A Church-yard that is dedicated is the soil of a Church’ are the

words of one of the statutes of Edward I.<sup>1</sup> ‘We read in the Theodosian Code,’ says Mr. Curteis,<sup>2</sup> ‘a law about “asylum,” on which Van Espen comments as follows: “Hoc totum spatium (*i.e.*, the *septum ecclesie*, the fore-court of the Church) subjaciens adjaciens Templo, haud aliter quam ipsum Templum, asylo cedere vult.”’ (V. E. IV. Part 2, p. 68.) The conveyance of a site at the present time to the Ecclesiastical Commissioners makes the buildings upon it to be the property of the Church for ever.

Thus Churches and Churchyards follow the principles which regulate all real property. ‘Land,’ as we read in Blackstone,<sup>3</sup> ‘says Sir Edward Coke, comprehendeth in its legal signification any ground, soil, or earth whatsoever, as arable, meadows, pastures, woods, moors, waters, marshes, furzes, and heath. It legally includeth also all castles, houses, and other buildings, *for they consist*, saith he, *of two things: Land, which is the foundation, and Structure thereupon, so that if I convey the Land or ground, the Structure or building passeth therewith.*’ It is indeed needless to linger upon the proof of a principle of law which is so certain and so well known, that we can only wonder that the House of Lords, which consists of Noblemen well versed in the knowledge of the nature of property, and which holds the loftiest reputation for sound judgment in questions of business, should have been momentarily induced last year to adopt a resolution which constituted a distinct infringement of an elementary principle.

For we are confronted with this contradiction, where by law there should be no contradiction,—the Churchyard proposed to be held upon a dual title, and the Church supposed to be the sole possession of the Body which would not be the sole possessor of the soil on which the Church is built. How can the introduction of such a contradiction be supposed to be a satisfactory settlement of the question? How

<sup>1</sup> 35 Edw. I. Stat. 2. (*A Word to Englishmen on the Burials Question.* Leaflet of Church Defence Institution.)

<sup>2</sup> ‘An “Anglican” View of the Burial Laws,’ *Macmillan* for April 1878, by the Rev. G. H. Curteis.

<sup>3</sup> *Commentaries on the Laws of England*, II. 2, p. 16.

can its advocates ever delude themselves by imagining that such a settlement can possibly be final?

And indeed many people, including especially the Liberation Society, as we have seen, do not wish it to be final. And they rest their arguments upon grounds which are at least intelligible, though no Churchman who is really a Churchman can assent to the grounds maintained. 'The Church of England is a Parliament Church,' is the burden of a great portion of nearly all the addresses now delivered under the auspices of the Liberation Society. 'The Church, as by law established,' we read in the practical suggestions of the Liberation Society, 'being a national organisation for ecclesiastical purposes, its adherents, in an ecclesiastical sense, have no other pecuniary rights in connection with it than are possessed by the rest of the nation.'<sup>1</sup> 'Though an Episcopal Church may afterwards be organised on a different basis, when Disestablishment is determined on there will be no body having a legal existence capable of either claiming, or receiving, compensation.'<sup>2</sup>

Such is the central Source-tenet, so to speak—with which we have to do battle. In contradistinction to the belief expressed in the article in the Creeds that there is 'One Holy Catholic Church,' and the inference involved in it, that the Church of England, if a Church at all, is a Branch of the Universal Church, it is maintained that the National Church, or group of Churches, is merely a creation of the State. This opinion is maintained by these promoters of Disestablishment, either on the theory of Congregationalism,—that any congregation may by the association of individuals become a Christian Church, if only it embraces a certain amount of Christian truth; or on that of Nationalism,—that a nation may in like manner set up a Church which becomes distinctively Christian, only in consequence of the belief that it embraces.

It is, of course, not within my present purpose to reply to this allegation, by showing that it entirely differs from the account rendered of the Church by Churchmen them-

<sup>1</sup> *Practical Suggestions, &c.* IV. 5, p. 7.

<sup>2</sup> *Id.* p. 2.

selves; that the very considerable property given to the Church during the present century has been so given by individuals as a voluntary gift, and that the presumption therefore, in the total absence of proof to the contrary, is that earlier gifts were made upon the same system; that the Church is historically and demonstrably traceable back through an unbroken succession of priests and people to a double origin in the sixth century; that that double origin consisted first in the British Church, then in active existence, and being the living remains of the Church in England of primitive times, dating back to the second century, and secondly in the mission of St. Augustine, who brought with him a new Episcopal succession and a body of ordained ministers from Rome; that also in the Name by which she has been perpetually designated, in her accredited Convocations, in her faith and teaching, in her self-directing life, and in her possession of property, the Church has ever shown that she holds an existence independent of the State, even if her freedom of action may have been tampered with at certain periods of Her history.

What I beg you, my Lord, to observe is, first, that here we find the real source of the divergence of opinion; and secondly, that it is useless to think of conciliating foes with such intentions by a slight concession. They are determined to get possession of our citadel if they can: what is the use of surrendering to them an outpost which they will turn into a fortress? The Russians would never have been contented with Rustchuk alone; but if it had been given up to them at the outset of the war, they would have refortified it and have turned it into a new *point d'appui*. Just so the Liberationists would argue, after such a concession, that part of the just rights of the Nonconformists had been at last acknowledged; that they could have the right of burying with their own rites in the Churchyard only upon the theory that the Churchyard belonged to the people, not to the Church; that under this theory thus established, Nonconformists were treated most unfairly; that therefore all rights ought to be made equal; that accordingly, the Churchyard

is virtually the property of the nation, and should be treated as such, and, in consequence, the Church also. Is any one ignorant that in legal and political strifes generosity counts for nothing; but that all that is gained by the receiving party, with whatever pretext it may be conceded, is regularly reckoned by them as so much tribute to the justice of their own contention? It follows, therefore, that if we are anxious to add strength to the arguments of Liberationists, we may readily do so at once by such a policy of surrender.

But it is said that we ought to propitiate the friendly Nonconformist. Dare we do so, if at the same time we give an advantage to our real foes? Are we in such a position as to be able to afford to open the door to friendly dissentients, and let in with them bands which are armed from head to foot? Can we exchange our sole title for a dual title, when we know that nothing will content the most clamorous except our being deprived of the title altogether? Surely this is a case where the only compromise that could be made is of that vicious kind which is really no compromise at all.

But then it is replied: Is nothing to be done, and is the Burial Difficulty to remain unsolved?

The true solution seems to be indicated in the settlement which the nation has at last effected, after many years of controversy, in the case of Primary Schools.

That controversy ran through three distinct stages. First, there was the time when people were naturally loth to disturb that connection between the State and the Church which was grounded upon the theory of the two being co-extensive. The Conscience Clause was resisted, and the Church was upheld as the sole educator recognised by the State.

Next to this succeeded the Denominational stage, when it was maintained that all education in all cases must be committed to the various Religious Bodies, the fact of the Church not covering all the area of the nation being now acknowledged. At the same time another loud contention was heard issuing from those who maintained that education

belonged to the State alone, and that no assistance should be given out of the public funds to any but State schools.

Under the third and last phase a combination of the contending theories was devised and introduced. For people came to the conclusion that the State must legislate, not upon an abstract theory, but with reference to various opinions generally entertained by the people; that strife could only be assuaged by a concession of liberty to the Church and to the Denominations, and by the State undertaking the supplementary duty of filling up the space which was left void by their several efforts.

Accordingly, it will be remembered that the settlement made included three heads of arrangement, viz.—(a) assistance to be rendered under specified conditions to Denominational schools; (b) a Conscience clause; and (c) the formation of State schools in order to meet cases which the Denominations did not reach.

We must now observe that the Burial Question has followed the course of the School controversy. First, we had the period which passed away long ago, when no change at all was admitted by Churchmen.

Then we came to that period of fierce contest between the Denominational principle, as represented solely by the Church—for except in town cemeteries there were scarce any other burial grounds in existence—and the State principle, which, in its stiffest phase, refuses to allow even the existence of the Church as independent of the State. Denominationalism culminated in the Government Bill of last year, when the Duke of Richmond and Gordon, on behalf of Her Majesty's Government, and in representation of opinions widely entertained, made efforts which, though unsuccessful, merit the lasting gratitude of Churchmen. And the exclusive State principle has been lately exhibited in the scheme of the Liberation Society.

We are now, I believe, ready for the final period. And if, following in the wake of the Schools Acts, we apply the principles which they embodied, we shall, as I apprehend, arrive at the three following general regulations:—

I. That where the members of any Denomination require a Burial-ground, one-third of the expense should be defrayed out of the Consolidated Fund, subject to the approval of the President of Her Majesty's Privy Council.

II. That there should be a right to bury in all Denominational Burial-grounds without any service at all. The offices of the ministers of the Church, or of any Nonconformist ministers, must be forced upon no unwilling persons. This would be equivalent to the Conscience Clause. And it would be wise in the Church to supplement this regulation by a conciliatory attitude, and by such regulations as might prove to be not inconsistent with the laws of her being and her traditional observance, the direction of which might be indicated by the use of hymns in Church and at the grave, which might be selected by the mourners, subject to the approval of the minister. I am told that this arrangement works well in some parts of the country.

III. That in all cases where Burial-grounds are needed, whether generally or by a considerable section of the population, they may be provided by a rate upon the parish, or district, or township, one-third of the outlay being contributed as before from the Consolidated Fund; but that in all Burial-grounds so provided, independently of the voluntary contributions of the members of separate denominations, the use of the ground and Chapel, and the celebration or not of a Service, should be free to all persons of whatever opinions, only under such restrictions as are found to be practically necessary, and have been authorised by the President of the Council. This would probably necessitate the constitution of Burial Boards, which would be analogous to School Boards.

The minor details of this plan may be left to future discussion. The chief advantages are plainly as follows:—

1. The general lines of this plan of settlement are those which have been drawn, after many years' controversy, and on the whole with general satisfaction to the Church and nation, in the analogous instance of Primary Schools. Hence the relations between the State and the Church and the other

Religious Bodies would be preserved in the form in which they have already been worked out.

2. Relief would be brought to the Nonconformist. For the facilities which would be furnished for providing Burial-grounds of their own would eventually, if not at once, outweigh any grievance which may be felt in rural districts.

3. At the same time, no injustice would be done to the Church. Churchmen have already shown their willingness to concede a conscience clause. And the grievance would thus be removed, which is felt to be intolerable, of losing virtually the fee simple of grounds, which many donors have increased during the present century in reliance upon their being perpetually the Church's possession.

4. The State would at the same time be placed in the performance of her plain duty, in seeing that all people in the land have proper opportunities for burying their dead. And, at the same time, the State would not override the Church or the Denominations. I mention the Denominations also, because they may be sure that any measure of oppression for the Church would be of evil omen for their own liberty of action in after times. For the duty of the State is to take care that all the legitimate organisms within her borders have free play. True statesmanship would be evinced, not in extinguishing the life, or in shackling or paralysing the limbs, but rather in removing the impediments to freedom of action that may bind the Church or the several Denominations. The right remedy for those whose wants are not supplied by the voluntary efforts of religious bodies is to be found in direct provisions of the State in her distinctive character, which must be open without favour or limit to all citizens. If these prove not to be palatable, there is still room for that voluntary association of efforts which is the groundwork of religious action. Tyranny, in these days at least, is plainly forbidden.

The chief objections to such a proposal will be found to arise from an open or virtual attempt to ignore one of the contracting parties. We find the State, the Church, and the various Denominations, with several claims of their own.

Time was when the existence of the Denominations was not acknowledged in political arrangements. That time has passed, and no one thinks of recalling it. On the other hand, no change has been made in the Church's laws since the time when she was co-extensive with the State. The Denominations have drifted from the Church, not the Church from the Denominations. We have also to regard the State as occupying a sphere which is both distinct from, and does not absorb, other spheres. But, strangest of all, the gate has swung round to the opposite extreme, and the Church, which used to be regarded as all-powerful, is now treated in some quarters as non-existent. Talk of toleration in these days! What can be a greater outrage upon what is dearest, and holiest, and most venerable in the eyes and hearts of Churchmen, than to say seriously, and with intent of spoliation, that the Church which is fondly regarded as a Mother, has no being independent of the State? Yet such is the theory advanced by people who have determinedly left her, and now want to establish a right to the home which they have deliberately deserted. And such is the theory necessary for a change in the tenure of Churchyards. It has been rejected by the nation after careful consideration in the analogous instance of primary education.

For it is not necessary to give up the Church's Burial Grounds to Nonconformists in order to convey relief to them. Surely grounds of their own must in course of years be more satisfactory to them than a part tenure in the property of others. If my neighbour wanted a garden, it would hardly satisfy his wants if I gave him certain rights in mine. Whilst even if he and I were to be the best of friends in this curious partnership, annoyance would be certainly caused to some of the members of my family, and danger would be laid up in store for my successors.

Such, my Lord, in the main features, is the plan of settlement which I venture to think will appear the more sound the longer and the more carefully it is examined. It meets the difficulties of Nonconformists, as far as I believe the State can meet them, without the adoption of measures really or virtually spoliatory,—unless it be thought fit for

one-half of the outlay to be advanced, instead of one-third. Practical statesmen will probably adhere to the original proposal.

For, above all, the plan avoids the theoretical absurdity and the practical confusion which would be caused by the virtual introduction of a dual title. It is not surprising that such an idea should be entertained by theorists, whether of a political or religious cast; or by those Churchmen who, in the kindness of their heart, are anxious to make any compromise with their neighbours, without scanning too closely its ultimate effects; or by such Nonconformists as are glad to obtain any concession, and are not concerned to examine into the amount of sacrifice with which it is made; or, lastly, by those who wish to make the entrance into the Churchyard the road into the Church. But how practical, clear-headed men of business can imagine that peace and simplicity of administration can be produced by the virtual substitution of a dual title for the fee simple, outreaches, I am constrained to say, the bounds of my conception.

I have the honour to be,

My dear Lord Beauchamp,

Yours very sincerely,

EDWARD MILLER.

BUTLER'S MARSTON VICARAGE:

*May 6, 1878.*











